IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

UNITED STATES OF AMERICA	)	
	)	
	)	Case No. 3:93CR00010-001
	)	
v.	)	**OPINION**
	)	
OBED RAHEEM HOYTE,	)	By: James P. Jones
	)	United States District Judge
Defendant.	)	

Obed Raheem Hoyte, Pro Se Defendant.

The defendant, proceeding pro se, has submitted what he styles as a "REQUEST FOR JUDICIAL NOTICE," in which he sets forth claims that he wishes to bring under 28 U.S.C.A. § 2255 (West Supp. 2011). He asks the court for permission to pursue these claims without dismissing them as a successive § 2255 motion. After reviewing the court's records, I will construe Hoyte's submission as a § 2255 motion and dismiss it as successive.

Hoyte complains that some prior motions he earlier submitted were construed as § 2255 motions and dismissed as successive without notifying Hoyte in advance of the court's construction of the motion. Hoyte apparently refers to a § 2255 motion he submitted in 2006. Initially, I dismissed Hoyte's motion as successive under § 2255(h). When Hoyte moved for reconsideration under *Castro v. United States*, 540 U.S. 375 (2003), however, I granted his motion, reinstated the

§ 2255 motion and denied it on the merits. *Hoyte v. United States*, Case No. 7:06CV00078, 2006 WL 2375526, at *1 (W.D. Va. Aug. 16, 2006). Since Hoyte thus utilized his opportunity to pursue an initial § 2255, I can only find that his current § 2255 claims are successive.

This court may consider a second or successive § 2255 motion only upon specific certification from the United States Court of Appeals for the Fourth Circuit that the claims in the motion meet certain criteria. See 28 U.S.C.A. § 2255(h). Because Hoyte offers no indication that he has obtained certification from the court of appeals to file a second or successive § 2255 motion, I must dismiss his current action without prejudice. A separate Final Order will be entered herewith.

DATED: February 24, 2012

/s/ James P. Jones
United States District Judge